

# SENATE BILL 418

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3lr1066  
CF 3lr2390

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By: **Senators Frosh, Conway, Gladden, Madaleno, Pinsky, Raskin, and Rosapepe**

Introduced and read first time: January 28, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Small Claims – Examination in Aid of Enforcement – Prohibition on Arrest or**  
3 **Incarceration for Failure to Appear**

4 FOR the purpose of prohibiting an individual from being arrested or incarcerated for  
5 failure to respond to certain orders to appear in court relating to an  
6 examination in aid of enforcement of a money judgment entered in a small  
7 claim action in the District Court; providing for the application of this Act; and  
8 generally relating to enforcement of certain money judgments.

9 BY adding to

10 Article – Courts and Judicial Proceedings  
11 Section 11–704  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2012 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 **11–704.**

18 **AN INDIVIDUAL MAY NOT BE ARRESTED OR INCARCERATED FOR FAILURE**  
19 **TO RESPOND TO AN ORDER TO APPEAR IN COURT:**

20 **(1) FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY**  
21 **JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT; OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) TO SHOW CAUSE WHY THE INDIVIDUAL SHOULD NOT BE**  
2 **FOUND IN CONTEMPT FOR FAILURE TO APPEAR IN COURT FOR AN EXAMINATION**  
3 **IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM**  
4 **ACTION IN THE DISTRICT COURT.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to:

6           (1) any order to appear for an examination in aid of enforcement of a  
7 money judgment entered in a small claim action in the District Court on or after the  
8 effective date of this Act; and

9           (2) any show cause order for contempt for failure to appear in court  
10 for an examination in aid of enforcement of a money judgment entered in a small  
11 claim action in the District Court on or after the effective date of this Act.

12           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2013.